

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4537-01
Bill No.: HB 2112
Subject: State Attorney General; Courts; General Assembly
Type: Original
Date: April 3, 2002

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2003 | FY 2004 | FY 2005 |
| Local Government | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representative** and the **Missouri Senate** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would authorize the General Assembly to intervene in courts under certain circumstances. Currently, the Attorney General represents the state when the constitutionality of legislation is at issue. While this would appear to alter that process, CTS does not anticipate a fiscal impact on the judiciary.

Officials from the **Office of Attorney General (AGO)** assume the legislation will result in additional costs because the bill allows any member of the General Assembly to intervene in any proceeding involving the constitutionality or operation of any legislative enactment. Because a wide variety of cases might be impacted, the AGO assumes such costs could be significant if a number of legislators choose to intervene in one or more proceedings. Costs are unknown.

Oversight assumes the AGO could experience an increase in costs due to the proposed legislation. Oversight assumes the AGO could absorb the cost within existing resources. Should the AGO experience an increase that would justify additional funding, the AGO could request the funding through the appropriation process.

| <u>FISCAL IMPACT - State Government</u> | FY 2003 (10 Mo.) | FY 2004 | FY 2005 |
|---|---------------------|-------------------|-------------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2003 (10 Mo.) | FY 2004 | FY 2005 |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION


BLG:LR:OD (12/01)

The proposed legislation would require the Attorney General to zealously defend the constitutionality of any statute when it is challenged in court. The proposal would also prohibit the Attorney General from representing any other agency, official, or political subdivision if that representation conflicts with zealously defending the statute's constitutionality. Members of the General Assembly would be given standing to file suit or intervene to defend the constitutionality or operation of any legislative enactment.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Missouri House of Representatives
Office of State Courts Administrator
Missouri Senate
Office of Attorney General



Mickey Wilson, CPA
Acting Director

April 3, 2002